

MINUTES
CASS COUNTY BOARD OF ZONING APPEALS
MONDAY, March 27, 2017

Fred Seehase called the regular meeting of the Cass County Board of Zoning Appeals to order at 6:08PM in the Commissioners Hearing Room on the 2nd floor of the Cass County Government Building.

Members present: Fred Seehase, Bob Barrett, Larry Phipps, Robert Heckard and Stacy Odom

Members absent: Jim Donato, Alternate

Staff present: Arin Shaver, Austin Brass, Peggy Dillon and Jeff Stanton, County Attorney

Public in attendance: See sign in sheet.

ACTION ON MINUTES:

Minutes of February 27, 2017 were presented. Mr. Phipps made a motion to approve the minutes, Mr. Barrett seconded the motion and all were in favor.

Mr. Seehase asked if any members have been in contact with the petitioners, advocates or opponents in regards to any petitions brought to this Board today, all stated that they had not.

Staff informed the Board that proof of notification has been met for all cases.

All wishing to speak were sworn in.

PUBLIC HEARING:

CCBZA Case #17-02: A petition of Spenser Forgey requesting a Special Exception to operate a confine feed operation and various Variances from Developmental Standards. The property is located at 1627 E. 1250 S. Galveston, IN and is zoned AG, Agricultural.

Mr. Brass explained that the area was originally 1 large parcel and has been subdivided between Spenser and Seth Forgey; located the area and gave the following proposals of the petitioner:

- 1 structure for a wean-to-finish hog process: 413ft. X 81ft. (33,453 sq. ft.)
- Minimum zoning requirement is to be 1,320 ft. from any residences: 2 variances are proposed: one residence that is 410 ft. away – variance for 910 ft. and 1 residence that is 1,191 ft. away will require a variance for 29ft. (note: properties are owned by relatives or petitioner)
- Traffic route to be CR 1250 S. to SR 18
- Cass County Highway department is willing to install a culvert for a drag line to divert manure off county roadways
- Security lights above every exterior door (4 doors)
- Hours of operations to be 6AM – 12 Noon 7 days a week
- 1 proposed sign: 12sq. ft. near the roadway; not lighted
- 1 employee
- Parking for employee will be on the west side of barn
- A site plan was presented: Driveway access from CR 1250 S. (shared access with Seth Spencer Case#17-03)

Mr. Brass stated that staff recommends a 2 row shelterbelt buffer on north and east side of structure consisting of evergreen trees for the aesthetic purpose and to mitigate the smell.

Mr. Seehase asked for questions from the Board, there were none.

Mr. Seehase asked for questions from the public.

Tiffany Rolins, Agronomy Solutions, 7070S. 500 W. Topeka, IN. for Spenser Forgey stated the following:

- Every effort will be made to insure good management practices
- They will protect the quality of the environment
- Buildings will be inspected by IDEM
- Very limited public access
- All zoning requirements except for the setbacks are being met
- IDEM guidelines will be met
- This use is consistent with the Comprehensive Plan

The Board had no questions for Ms. Rolins.

Written correspondence was read from Christy Householder, Cass County Economic Director, in support of this petition stating that this facility will be a great addition to Cass County and is critical for the growth of our agricultural industry.

The following conditions of approval were read:

1. That all proposals of the petitioner be made conditions of approval.
2. That all other standards of the ordinance be met.
3. That all applicable state and local permits be obtained and proof be given to the Zoning Administrator.

The following commitment was read:

1. A 2 row shelter belt be placed at the north and east side of the barn consisting of conifer (evergreen) trees.

Spenser Forgey agreed to these conditions and commitment.

Mr. Heckard motioned to bring this case to a vote, Mr. Barrett seconded the motion. The Board completed the findings of fact. Roll call vote was unanimous to approve CCBZA #17-02 Special Exception and Variances for Development Standards.

Mr. Seehase explained the appeals process.

CCBZA #17-03: A petition of Seth Forgey requesting a Special Exception to operate a confine feed operation and various Variances from Developmental Standards. The property is located at 1627 E. 1250 S. Galveston, IN and is zoned AG, Agricultural.

Mr. Brass located the area and explained the following proposals:

- 1 structure, wean-to-finish hog building: 413ft. X 81ft. (33,453 sq. ft.)
- Minimum requirement is to be 1,320ft. from any residences: One residence is 250 ft. away – variance for 1070ft. (which is owned by family)
- Traffic route would be CR 1250 S. to SR 18
- Is willing to install a culvert for a drag line to divert manure off county roadways
- Security lights above every exterior door (4 doors)
- Hours of operations to be 6AM – 12 Noon 7 days a week
- 1 proposed sign: 12 sq. ft. near the roadway; not lighted
- 1 employee
- A site plan was presented: Driveway access from 1250 S. (shared with Seth Spencer Case 17-02)
- Parking will be east of building for the employee and trucks
- A line of trees will be placed on west side of building.
- Staff recommends a 2 row shelterbelt on north and west side of building consisting of conifer (evergreen) trees in place of proposed line of trees.

Mr. Seehase asked for questions from the Board, there were none.

Ms. Rolins, Agronomy Solutions, for Seth Forgey stated the following:

- Every effort will be made to insure good management practices
- They will protect the quality of the environment
- Buildings will be inspected by IDEM
- Very limited public access
- All zoning requirements except for the setbacks are being met
- IDEM guidelines will be fulfilled
- This use is consistent with the Comprehensive Plan

Mr. Seehase asked for further questions, Mrs. Shaver asked if the sign proposed will be in addition to the sign for Spenser Forgey. Mr. Forgey stated that no, there will be just 1 sign.

Written correspondence was read.

Letter from Christy Householder, Cass County Economic Director, in support of this petition stating that this facility will be a great addition to Cass County and is critical for the growth of our agricultural industry.

The following conditions of approval were read:

1. That all proposals of the petitioner be made conditions of approval.
2. That all other standards of the ordinance be met.
3. That all applicable state and local permits be obtained and proof be given to the Zoning Administrator.

The following commitment was read:

1. A 2 row shelter belt be placed at the north and west side of the barn consisting of conifer (evergreen) trees.

Seth Forgey agreed to these conditions and commitment.

Mr. Heckard motioned to bring this petition to a vote. Mr. Barrett seconded the motion and roll call vote was unanimous to approve CCBZA #17-03 Special Exception and Variances for Development Standards.

Mr. Seehase explained the appeals process.

CCBZA #17-04: A petition of Russel Foust requesting a Special Exception to operate a confined feed operation. The property is located at 11460 S. 700 E. Galveston, IN and is zoned AG, Agricultural.

Mr. Brass explained the location and gave the following proposals:

- 2 wean-to-finish buildings: both to be – 413ft. X 81ft. (33,453 sq. ft.)
- A generator building & morality composter will be on site
- Dusk-to-dawn lighting on end of buildings and exterior doors
- No signage
- Hours of operations: 7:00AM – 6:00PM; 7 days per week with possibly extended hours during livestock loading activities
- 2 employees
- Driveway from CR 700 E.
- Parking adjacent to building for employees and trucks
- Traffic plan was reviewed and approved by Cass County Highway Superintendent, Jeff Smith
- 2 row shelterbelt buffer and screen at the north and east of production site

Mr. Seehase asked the Board for questions, there were none.

Michael Veenhizen, Livestock Engineering Solutions, stated the following:

- Pigs will move from 1 building to the other when 1 is being cleaned
- IDEM permit has been submitted
- Wooded buffer to the west and north will remain
- Supplement buffer to be added to the north and east sides

- Travel route will be 700 E. south to SR 18 with loaded trucks and also north on 700 E. to SR 35 with empty trucks
- Setbacks and development standards will be met

Mr. Seehase asked for questions from the Board, there were none.

Mr. Seehase asked for questions from the public, there were none.

Mr. Seehase asked for written correspondence:

Letter from Beth and Dan Kitchel against the petition stating concern of the smell that will be generated.
 Letter from Christy Householder, Cass County Economic Director, in support of this petition stating that this facility will be a great addition to Cass County and is critical for the growth of our agricultural industry.

Mr. Veenhuizen submitted results from the Purdue Livestock Odor Setback Model that documents the potential odor from livestock.

The following conditions of approval were read:

1. That all proposals of the petitioner be made conditions of approval.
2. That all other standards of the ordinance be met.
3. That all applicable state and local permits be obtained and proof be given to the Zoning Administrator.

The following commitment was read:

1. A 2 row shelter belt be placed at the north and east side of the production site consisting of conifer (evergreen) trees.

Mr. Foust agreed to these conditions and commitment.

Mr. Heckard motioned to bring this case to a vote. Mr. Barrett seconded the motion and roll call vote was unanimous to approve #17-04 Special Exception.

Mr. Seehase explained the appeal process.

REPORTS:

None

OLD BUSINESS:

None

NEW BUSINESS:

None.

There being no further business to be brought before the Board, the meeting was adjourned at 7:02 PM, March 27, 2017.

CCBZA Officer

CCBZA Officer

Peggy Dillon, Recording Secretary